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In re Application of:
Einarson *et al.*
Application No. 09/241,744
Filed: February 1, 1999
Attorney Docket No. PSI-801

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed February 1, 1999, to make the above-identified application special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item V: Environmental Quality.

The petition is **granted**.

A grantable petition under 37 C.F.R. § 1.102(c), and in accordance with M.P.E.P. § 708.02, Item V, for inventions which materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and soil, must be accompanied by statements under 37 C.F.R. § 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention contributes to the restoration or maintenance of one of these life-sustaining elements. No fee is required for this petition.

Petitioner asserts that the invention materially enhances the quality of the environment of mankind by contributing to the restoration and maintenance of water, one of the basic life-sustaining natural elements. In support of the petition, a declaration by the applicant's attorney was submitted explaining that the invention materially contributes to the quality of the environment by improving the ease with which water and soil samples can be monitored for testing for environmental contaminants. Specifically, it is stated that the invention improves the speed and accuracy of detection of contaminated soils and subsurface water, so that any detected contamination can be more swiftly mitigated.

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The statements made by applicant's attorney in the supporting declaration are sufficient to establish that the invention materially enhances the quality of the environment of mankind by contributing to the restoration and maintenance of water and soil and, therefore, qualify the application for special status under 37 CFR 1.102(c) and pursuant to M.P.E.P. § 708.02, Item V. Accordingly, the petition is **granted**.

The application is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.


If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Inquiries regarding this decision should be directed to Ed Glick at (703) 308-4858.


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